

EXECUTIVE COUNCIL OF IOWA AGENDA

- Teleconference Only -

Conference Call Phone Number: (866) 685-1580

Conference Code Pin: 0009990993

10:00 AM

July 6, 2021

1. Approval of minutes from the Executive Council meeting held on June 21, 2021
2. Iowa Code §7D.10 – Page 1
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3. Special Counsel – Page 1
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4. Leases – Page 1
5. Emergency Allocations – Pages 1 – 4
6. Payment of Cost Items – Pages 4 – 5
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2. Iowa Code §7D.10

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$21,600.00.

TAB # 1

3. Special Counsel

- A. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the State of Iowa with respect to antitrust claims against GlaxoSmithKline ("GSK") related to its product Flonase (the "Flonase Litigation").

Firm: Meade Young LLC
909 Poydras Street
Suite 1600
New Orleans, LA 70112

Rate: Contingent fee basis

TAB # 2

4. Leases

- A. Lease between DNR and Mau Marine Incorporated
Date of Lease: Date of Consent to October 31, 2024
Legal Description: East Lake Okoboji frontage in Section 20, Township 99 North, Range 36 West of the 5th P.M., Dickinson County, Iowa. There are four leased areas all having the minimum frontage and depth, less than 50 feet by 100 feet.
Purpose: Docks, boat slips and boat ramp
Annual Fee: \$1,200.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

5. Emergency Allocations

- A. Department of Administrative Services is requesting an emergency allocation in the amount of \$265,723.48. On February 15, 2021, there was a natural gas emergency & curtailment. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- B. Department of Human Services – Glenwood Resource Center is requesting an emergency allocation and reimbursement in the amount of \$12,420.00. On February 17, 2021, extremely cold temperatures caused multiple broken water lines. Request is to cover costs.

The State Auditor's Office has reviewed this request and recommends allocation and reimbursement. This represents full and final payment

- C. Iowa Communications Network is requesting an emergency allocation in the amount of \$45,941.45. On April 14, 2021, ICN sustained cable damage due to erosion along North Park Road in Appanoose County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- D. Iowa Communications Network is requesting an emergency allocation in the amount of \$21,548.12. On April 22, 2021, ICN sustained cable damage due to exposure in the south right-of-way of Interstate 80 in Cass County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- E. Iowa Communications Network is requesting an emergency allocation in the amount of \$18,525.23. On April 23, 2021, ICN sustained cable damage due to exposure in the east right-of-way oh Highway 61 in Clinton County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- F. Iowa Communications Network is requesting an emergency allocation in the amount of \$21,427.54. On April 29, 2021, ICN sustained cable damage due to exposure at Interstate 80 in Dallas County between Dexter and Earlham. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- G. Iowa Communications Network is requesting an emergency allocation in the amount of \$18,176.65. On April 14, 2021, ICN sustained cable damage due to exposure at Creek in East Right-of-way of Highway 14 in Jasper County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- H. Iowa Communications Network is requesting an emergency allocation in the amount of \$22,241.48. On April 7, 2021, ICN sustained cable damage due to exposure along Interstate 80 in Madison County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- I. Iowa Communications Network is requesting an emergency allocation in the amount of \$45,234.23. On April 16, 2021 and April 18, 2021, ICN sustained cable damages at multiple locations due to rodent chews along Highway 18 and 570th Avenue in Palo Alto County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- J. Iowa Communications Network is requesting an emergency allocation in the amount of \$79,930.68. On April 6, 2021, ICN sustained cable damage due to exposure along Highway 71 in 2 locations in Audubon County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- K. Iowa Communications Network is requesting an emergency allocation in the amount of \$56,939.63. On May 14, 2021, ICN sustained cable damage due to excessive erosion along Highway 34 between 120th Avenue and 127th Avenue and 185th Trail and 190th Avenue in Lucas County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- L. Board of Regents – University of Iowa is requesting an emergency allocation in the amount of \$15,959.01. On March 17, 2021, a broken water pipe leading to the fire sprinkler system caused water damages at the Pappajohn Education Center. Request is to cover repair costs.

The State Auditor’s Office has reviewed request and recommends allocation, subject to audit of actual invoices.

6. Payment of Cost Items

- A. Michael Marquess.....\$5,000.00
2183 Docks Drive
Garwin, IA 50632
Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.

- B. Patterson Law Firm L.L.P.....\$1,148.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
MaryLou Birdsell v. Iowa State Penitentiary, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- C. Wandro & Associates, P.C.\$4,775.00
2501 Grand Avenue, Suite B
Des Moines, IA 50312
Unclaimed Property Probate Matters

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- D. Davis Brown Law Firm.....\$46.00
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- E. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$308.61
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Revenue.

- F. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,156.29
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- G. Hall Render Killian Heath & Lyman P.C. (Baker).....\$330.12
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- H. Hall Render Killian Heath & Lyman P.C. (Baker).....\$697.85
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

7. Discussion Items

- A. Department of Administration Services is requesting a supplemental allocation in the amount of \$826,500.00. This increases the total allocation to \$858,178.00. On August 10, 2020, a storm caused damages to Capitol Complex. Request is to cover repair costs.

The total allocation of \$858,178.00 exceeds the \$500,000.00 maximum threshold for 29C.20 claims set by the Executive Council's 1979 Guidelines for Allocation 29C.20 funds. The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.